

1 constitute a technical violation of the board's statute or administrative rules; the
2 evidence before the board indicates that adequate steps have been taken to remedy
3 the violation and to ensure that incidents of a similar nature do not occur in the
4 future. Roll call vote: Almanza – yes; Duehr – yes; Fangman – yes; Robinson – yes;
5 Sheka – yes; Smith – recused; Stevens – yes; Trueg – yes; Wortmann - yes. **MOTION**
6 **CARRIED.**

7
8 Tammy Duehr moved, with a second by Laura Stevens, that in **case number 10-26**,
9 the Board find that, although one or more of the allegations in the complaint may be
10 substantiated by the witnesses interviewed in the course of the investigation [and/or]
11 the documents gathered in the course of the investigation, and the allegations may
12 constitute a technical violation of the board's statute or administrative rules; the
13 evidence before the board indicates that adequate steps have been taken to remedy
14 the violation and to ensure that incidents of a similar nature do not occur in the
15 future. Roll call vote: Almanza – yes; Duehr – yes; Fangman – yes; Robinson – yes;
16 Sheka – yes; Smith – recused; Stevens – yes; Trueg – yes; Wortmann - yes. **MOTION**
17 **CARRIED.**

18
19 Laura Stevens moved, with a second by Julio Almanza, that in **case number 10-27**,
20 the Board find probable cause to establish a violation of the following provisions of the
21 Code of Professional Conduct and Ethics, 282 IAC 25.3(1) c, d, e (4), and order this
22 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

23
24 Laura Stevens moved, with a second by Tammy Duehr, that in **case number 10-28**,
25 the Board find probable cause to establish a violation of the following provisions of the
26 Code of Professional Conduct and Ethics, 282 IAC 25.3(6)c and d and order this case
27 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

28
29 Tammy Duehr moved, with a second by Laura Stevens, that in **case number 10-32**,
30 the Board find probable cause to establish a violation of the following provisions of the
31 Code of Professional Conduct and Ethics, 282 IAC 25.3(1) e (1), and order this case
32 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

1 Julio Almanza moved, with a second by Tammy Duehr, that in **case number 10-33**,
2 the Board finds that although the Board is concerned with the allegations it does not
3 rise to the level necessary to find probable cause. **MOTION CARRIED**
4 **UNANIMOUSLY.**

5
6 Laura Stevens moved, with a second by Tammy Duehr, that in **case number 10-34**,
7 the Board find probable cause to establish a violation of the following provisions of the
8 Code of Professional Conduct and Ethics, 282 IAC 25.3(4) a, b, d, and e, and 25.3(6)f
9 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

10
11 Tammy Duehr moved, with a second by Julio Almanza, that in **case number 10-36**,
12 the Board find probable cause to establish a violation of the following provisions of the
13 Code of Professional Conduct and Ethics, 282 IAC 25.3(1) c, d, e (4), and order this
14 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

15
16 Julio Almanza moved, with a second by Laura Stevens, that in **case number 10-39**,
17 the Board find probable cause to establish a violation of the following provisions of the
18 Code of Professional Conduct and Ethics, 282 IAC 25.3(1) e (4), and order this case
19 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

20
21 Laura Stevens moved, with a second by Tammy Duehr, that in **case number 10-40**,
22 the Board finds that the evidence gathered in the investigation, including witness
23 statements and the documentary evidence, does not substantiate the allegations in
24 the complaint, and that the Board therefore lacks probable cause to proceed with this
25 matter. **MOTION CARRIED UNANIMOUSLY.**

26
27 Tammy Duehr moved, with a second by Laura Stevens, that in **case number 10-44**,
28 the Board find probable cause to establish a violation of the following provisions of
29 the Code of Professional Conduct and Ethics, 282 IAC 25.3(1) b(2), and order this
30 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

1 Laura Stevens moved, with a second by Julio Almanza, that in **case number 10-37**,
2 the Board accept the Respondent’s waiver of hearing and voluntary surrender and
3 that the Board issue an order permanently revoking the Respondent’s license with no
4 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

5
6 Laura Stevens moved, with a second by Tammy Duehr, that the Board not initiate
7 review of the proposed decision in **case number 09-68**, In the Matter of Jerry Larsen,
8 and allow the proposed decision to become the final decision of the Board unless an
9 appeal is taken by one of the parties within the time allowed by rule. **MOTION**
10 **CARRIED UNANIMOUSLY.** (Beth Myers, Attorney/Investigator, Jim McNellis,
11 Investigator and Julie Bussanmas, Assistant Attorney General, recused themselves
12 and did not participate in the discussion of this case.)

13
14 Laura Stevens moved, with a second by Julio Almanza, that the Board extend the 180-
15 day deadline for issuance of the final decision in **case numbers 10-27, 10-28, 10-29**
16 **and 10-32** based upon the extraordinary amount of time needed to schedule the
17 hearing, allow review of the proposed decision, and issue a final decision. **MOTION**
18 **CARRIED UNANIMOUSLY.**

19
20 Board Reports:

21 Dr. Robinson shared with Board that he and Dr. Maurer had the opportunity to speak
22 to the State Board of Education at its September meeting about origins, goals and
23 respond to questions regarding the Board of Educational Examiners.

24
25 Kevin Fangman introduced Kris Crabtree-Groff. Ms. Crabtree-Groff is the new
26 Practitioner Preparation Consultant replacing Arlie Willems who recently retired.

27
28 Public Comment:

29 There were no public comments.
30
31
32

1 Executive Director's Report:

2 Beth Myers presented the Executive Director's Report since Dr. Maurer was absent
3 from the meeting.

4
5 The August financial report was presented to the Board. The September report was
6 not yet available since the end of the month was yesterday.

7
8 Julio Almanza announced his retirement effective June 30, 2011.

9
10 The Board was asked if they wished to continue receiving the last couple of pages of
11 the petition for waiver grid. Beginning with the November packet, when they access
12 the board packet electronically they will also have access to the updated grid.

13
14 We have started the research of using an iPad to view board packets instead of
15 receiving the packets via the mail. Next month we will try to have a demonstration of
16 the iPad. Julie Bussanmas indicated some other licensing boards currently receive
17 their information electronically (i.e. online website which is password protected,
18 laptops, flash drives which are password protected). The Board was supportive and
19 expressed an interest in receiving more information regarding the board packet being
20 delivered electronically.

21
22 Rules:

23 Bev Smith moved, with a second by Laura Stevens, to adopt and file the proposed
24 changes to Chapter 13.28(21) Elementary school teacher librarian. **MOTION**
25 **CARRIED UNANIMOUSLY.**

26
27 Bev Smith moved, with a second by Richard Wortmann, to adopt and file the proposed
28 changes to Chapter 13.28(22) Secondary school teacher librarian. **MOTION**
29 **CARRIED UNANIMOUSLY.**

30
31 Julio Almanza moved, with a second by Tammy Duehr, to adopt and file the proposed
32 changes to Chapter 13.28(23) School teacher librarian K-12. **MOTION CARRIED**
33 **UNANIMOUSLY.**

1 The proposed changes to Chapter 18.6(272) Specific requirements for an administrator
2 prepared out-of-state were approved by consensus and will be filed under Notice of
3 Intended Action.

4
5 The proposed changes to Chapter 18.7(272) Specific requirements for a Class A license
6 were approved by consensus and will be filed under Notice of Intended Action.

7
8 The proposed changes to Chapter 18.8(272) Specific requirements for a Class B license
9 were approved by consensus and will be filed under Notice of Intended Action.

10
11 The proposed changes to Chapter 12.9(272) Retention of incomplete applications were
12 approved by consensus and will be filed under Notice of Intended Action.

13
14 Items for Discussion:

15 The proposed changes to Chapter 20 Renewals were discussed and will be brought
16 back to the November meeting for noticing.

17
18 The proposed change to Chapter 13.18(4) Professional Core was discussed and will be
19 brought back to the November meeting for noticing.

20
21 The proposed change to Chapter 18.5 Specific requirements for a professional
22 administrator was discussed and will be brought back to the November meeting for
23 noticing.

24
25 The proposed change to Chapter 20.9 Specific renewal requirements for an
26 administrator license was discussed and will be brought back to the November
27 meeting for noticing.

28
29 The proposed change to Chapter 13.7 Specific requirements for a standard license was
30 discussed and will be brought back to the November meeting for noticing.

31
32 The proposed change to Chapter 18.7 Specific requirements for a Class A license was
33 discussed and will be brought back to the November meeting for noticing.

1 Petitions for Waiver:

2 Greg Robinson moved, with a second by Julio Almanza, that in **PFW 10-16**, Mike
3 Hilmer, the Board deny the Petition for Waiver. Reasons for denial: Mr. Hilmer chose
4 the out-of-state program and thus must complete the requirements in force at the time
5 of application. There is no possible way of communicating changes to all online
6 programs when there is a change in licensure rules. The Board stated that the out-of-
7 state administrative rule aligns with the out-of-state teaching license rule. The
8 approval of this waiver could create a practice that would provide an opportunity for
9 out-of-state applicants who could not get a license in the preparation state to receive a
10 license from Iowa. The rules state that the program must be state approved and
11 regionally accredited. The license guarantees that the applicant has completed a state
12 approved program. The Board stated that waiving this requirement may affect the
13 public health and safety. The Board does not approve programs. The Board's
14 responsibility is to analyze transcripts. The Board relies on the approval process in
15 the state in which the administrative preparation program originates to evaluate and
16 approve the program. This approval is evidenced through an administrative license
17 issued at the conclusion of the administrative preparation program by that state.

18 **MOTION CARRIED UNANIMOUSLY.**

19
20 Tammy Duehr moved, with a second by Carol Trueg, that in **PFW 10-17**, Quentin
21 Stanerson, the Board deny the Petition for Waiver. Reasons for denial: Mr. Stanerson
22 chose the out-of-state program and thus must complete the requirements in force at
23 the time of application. There is no possible way of communicating changes to all
24 online programs when there is a change in licensure rules. The Board stated that the
25 out-of-state administrative rule aligns with the out-of-state teaching license rule. The
26 approval of this waiver could create a practice that would provide an opportunity for
27 out-of-state applicants who could not get a license in the preparation state to receive a
28 license from Iowa. The rules state that the program must be state approved and
29 regionally accredited. The license guarantees that the applicant has completed a state
30 approved program. The Board stated that waiving this requirement may affect the
31 public health and safety. The Board does not approve programs. The Board's
32 responsibility is to analyze transcripts. The Board relies on the approval process in
33 the state in which the administrative preparation program originates to evaluate and

1 approve the program. This approval is evidenced through an administrative license
2 issued at the conclusion of the administrative preparation program by that state.

3 **MOTION CARRIED UNANIMOUSLY.**

4
5 Bev Smith moved, with a second by Richard Wortmann, that in **PFW 10-18**, Brian
6 Wheatley, the Board deny the Petition for Waiver. Reasons for denial: Mr. Wheatley
7 chose the out-of-state program and thus must complete the requirements in force at
8 the time of application. There is no possible way of communicating changes to all
9 online programs when there is a change in licensure rules. The Board stated that the
10 out-of-state administrative rule aligns with the out-of-state teaching license rule. The
11 approval of this waiver could create a practice that would provide an opportunity for
12 out-of-state applicants who could not get a license in the preparation state to receive a
13 license from Iowa. The rules state that the program must be state approved and
14 regionally accredited. The license guarantees that the applicant has completed a state
15 approved program. The Board stated that waiving this requirement may affect the
16 public health and safety. The Board does not approve programs. The Board's
17 responsibility is to analyze transcripts. The Board relies on the approval process in
18 the state in which the administrative preparation program originates to evaluate and
19 approve the program. This approval is evidenced through an administrative license
20 issued at the conclusion of the administrative preparation program by that state.

21 **MOTION CARRIED UNANIMOUSLY.**

22
23 Carol Trueg moved, with a second by Julio Almanza, that in **PFW 10-23**, Joan
24 Roberts, the Board grant the Petition for Waiver. **MOTION CARRIED UNANIMOUSLY.**

25
26 Greg Robinson moved, with a second by Carol Trueg, that in **PFW 10-24**, Christopher
27 Schwerin, the Board table the Petition for Waiver. **MOTION CARRIED**
28 **UNANIMOUSLY.**

29
30 Tammy Duehr moved, with a second by Carol Trueg, that in **PFW 10-25**, Keith
31 Ellingson, the Board grant the Petition for Waiver. Roll call vote: Almanza – yes;
32 Duehr – yes; Fangman – yes; Robinson – yes; Sheka – yes; Smith – yes; Stevens – yes;
33 Trueg – yes; Wortmann - no. **MOTION CARRIED.**

1 Reports/Approvals:

2 Susan Fischer and Jan Kuhl discussed the Guidance Matrix that was developed to
3 provide information to districts regarding the school counseling program.

4
5 Geri McMahon provided the Board with a report on the Interstate Teacher Assessment
6 and Support Consortium (InTASC) Conference she recently attended.

7
8 The Board discussed Board Goals for FY 11 regarding flexibility (i.e. in licensing,
9 endorsements).

10
11 The Board was asked for input regarding the upcoming Legislative Reception
12 scheduled for January 20, 2011, since the November board meeting is the only
13 meeting prior to the reception.

14
15 Beth Myers informed the Board regarding pre-filed bills. As an agency we have the
16 ability to file without being sponsored. The only pre-filed bill Ms. Myers suggested is
17 adding language about human trafficking where detention in a brothel was removed.
18 Ms. Myers will work on the language and present it at the November meeting.

19
20 The Board reviewed the feedback we received from our constituent groups regarding
21 the tutoring issue. The consensus of the Board is that we do not want to reinterpret
22 the existing rule but leave the rule as it stands and provide further clarification. This
23 will be discussed again at the November meeting

24
25 There being no further business, Dr. Robinson asked for a motion to adjourn the
26 meeting. Carol Trueg moved, with a second by Tammy Duehr. **MOTION CARRIED**
27 **UNANIMOUSLY.** The meeting was adjourned at 2:05 p.m.